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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,202

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Robert B. Collier

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2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

THOMAS, JAISON P

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,202	Applicant(s) COLLIER ET AL.	
	Examiner Jaison P. Thomas	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 8-64 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/1/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendments filed on 2/1/2008.
2. Claim 1, 3-64 are pending. Claims 63 and 64 are new. Claims 1,36-38 and 40-42 are amended.
3. The rejections of Claims 1-24, 26-38,40-42,44-47,49-51,53-57 and 59-61 under 35 U.S.C. 103(a) as being unpatentable over Knowlton et al. (US Patent 5073442) in view of Dahanayake et al. (US Patent 6242404) and Carter et al. (US Patent Application Pub. 2002/0142937) are withdrawn in view of Applicant's amendments.
4. The rejections of Claims 1-7,12-24, 26-38,40-42,44-47,49-51,53-57 and 59-61 under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent 5514302) in view of Dahanayake et al. (US Patent 6242404) and Carter et al. (US Patent Application Pub. 2002/0142937) are withdrawn in view of Applicant's amendments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3-6 and 8-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent 5514302) in view of Kilkenny et al. (US Patent Application Publication No. 2003/0100465) and Woo et al. (US Patent 6833342).

Brown teaches a fabric cleaning shampoo composition which contains 0.5 to 20 % of a fabric cleaning polymer, 0.1 to 10 % of a specific type of wax, 0.05 to 5% of silicone betaine polymer and an effective amount of surfactant (Abstract) including nonionic, anionic. Examples of anionic surfactants that are used include alkyl sulfonates (Col. 5, line 38) present in the composition from 0.5 to 20 % by weight of the composition. The wax can be synthetic, natural or wax-like organic substances and examples include maleinized and acrylated polyethylene waxes which Examiner construes as being equivalent to a wax-modified polymer as recited in Claim 1. The composition can also include solvents

Brown is relied upon as discussed above, however, Brown does not teach a polyester polymer wherein the polyester is not derived from a polyoxyalkylene glycol or zeolites.

Kilkenny et al. teaches a composition for cleaning of hard surfaces (Abstract) wherein the hard surfaces including rug cleaning (pg. 2, para. 0010) wherein one embodiment of the composition includes soil release polymers such as copolymers of terephthalic acid and ethylene glycol or propylene glycol (pg. 17, para. 0034). The cleaning composition can include

Woo et al. teaches a composition used to deodorize carpets which contains additional odor absorbers including zeolites such as silicate/aluminate zeolites or activated carbons.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cleaning compositions of Brown with those of Kilkenny and Woo since it is prima facie obvious to combine compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a composition to be used for the very same purpose, see *In re Kerkhoven*, 626 F.2d 846,850,205 USPQ 1069, 1072 (CCPA 1980). Alternatively, "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." See *KSR v. Teleflex*, 127 S Ct. at 1739.

With respect to the glass transition temperature limitations of the polyester of instant Claims 1,4, 5, and 40 the examiner respectfully submits that the prior art would reasonably meet the claimed limitation. Specifically Kilkenny et al. teach similar materials used in similar situations to those required by the instant claims and therefore would reasonably possess the glass transition temperatures and covalent bonding characteristics required.

With respect to the disodium alpha olefin sulfonate limitation of instant Claim 21, and the weight limitations of the polyester, wax-modified polymer, zeolites, surfactants, and metal oxides of instant Claims 6, 12, 15, 16, 22 and 26 it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the combined composition of Knowlton/Kilkenny/Woo through routine experimentation for best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained

through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 617 F.2d 272,276,205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456, 105 USPQ 233,235 (CCPA 1955).

With respect to the hydrazine and amine absence limitations of instant Claims 30, 31,36, 37, 41,45, 46, 50, 55, 56, and 60, the references are silent with respect to the presence of hydrazine or an amine particle.

7. Claims 1,3-6 and 8-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowlton (US Patent 5073442) in view of Kilkenny et al. (US Patent Application Publication No. 2003/0100465) and Woo et al. (US Patent 6833342).

Knowlton teaches a composition for improving soil and stain resistance on fabrics using a "variety of combinations of sulfonated resin, sulfonated phenolic compounds, compounds of sulfonated phenolics and aldehydes, fluorochemicals, modified wax emulsions ..." (Abstract). The wax emulsions are further described as "[p]araffinic wax emulsion, microcrystalline wax emulsion, metalized wax emulsion such as aluminum salt/wax emulsion or zirconium salt/wax emulsion, modified fatty amide dispersions, anionic resinous wax emulsion such as melamine wax emulsion" (Column 2, lines 1-7). The types of phenolic resins disclosed include condensation products of formaldehyde with several different types of compounds disclosed in Column 1, lines 45-52. Examples of the composition include water as a solvent (Column 4, lines 40-48). Methods of

application of the composition and the resulting carpet article are disclosed in Example 1 (Column 6, lines 15-23).

Knowlton is relied upon as discussed above, however, Knowlton does not teach a polyester polymer wherein the polyester is not derived from a polyoxyalkylene glycol or zeolites and activated carbon.

Kilkenny et al. teaches a composition for cleaning of hard surfaces (Abstract) wherein the hard surfaces including rug cleaning (pg. 2, para. 0010) wherein one embodiment of the composition includes soil release polymers such as copolymers of terephthalic acid and ethylene glycol or propylene glycol (pg. 17, para. 0034). The cleaning composition can also include builder compounds such as silicate compounds (pg. 12, para. 0029) and surfactants such olefin sulfonates (pg. 9, para. 0026).

Woo et al. teaches a composition used to deodorize carpets which contains additional odor absorbers including zeolites such as silicate/aluminate zeolites or activated carbons.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cleaning compositions of Knowlton with those of Kilkenny and Woo since it is prima facie obvious to combine compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a composition to be used for the very same purpose, see *In re Kerkhoven*, 626 F.2d 846,850,205 USPQ 1069, 1072 (CCPA 1980). Alternatively, 'The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.' See *KSR v. Teleflex*, 127 S Ct. at 1739.

With respect to the glass transition temperature limitations of the polyester of instant Claims 1,4, 5, and 40 the examiner respectfully submits that the prior art would reasonably meet the claimed limitation. Specifically Kilkenny et al. teach similar materials used in similar situations to those required by the instant claims and therefore would reasonably possess the glass transition temperatures and covalent bonding characteristics required.

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As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 617 F.2d 272,276,205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456, 105 USPQ 233,235 (CCPA 1955).

With respect to the hydrazine and amine absence limitations of instant Claims 30, 31,36, 37, 41,45, 46, 50, 55, 56, and 60, the references are silent with respect to the presence of hydrazine or an amine particle.

Allowable Subject Matter

8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, all independent claims would be allowable if the limitations of Claim 7 are inserted in the independent claims. The prior art does not teach a cleaning composition which contains polyester, zeolite or activated carbon and a wax-modified polymer wherein the the wax is covalently bonded to the polymer backbone.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 9:30 am to 6:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. T./
Examiner, Art Unit 1796

/Lorna M Douyon/
Primary Examiner, Art Unit 1796